

and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et. seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under Section 110 and subchapter I, Part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

This action pertaining to the proposed approval of RACT for Knoll Group, a wood furniture surface coater, has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and Table 3 SIP revisions from the requirements of Section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

The Administrator's decision to approve or disapprove the SIP revision will be based on whether it meets the requirements of section 110(a)(2)(A)-(K) and Part D of the Clean Air Act, as amended, and EPA regulations in 40 CFR part 51.

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401-7671q.

Dated: August 2, 1993.

W.T. Wisniewski,

Acting Regional Administrator, Region III.

[FR Doc. 93-19387 Filed 8-11-93; 8:45 am]

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40 CFR Part 300

[FRL-4689-9]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Aidex Corporation Site from the National Priorities List: request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region VII announces its intent to delete the Aidex Corporation Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B of 40 CFR part 300 which is to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended. This action is being taken because EPA and the Iowa Department of Natural Resources (IDNR) have determined that no further remedial action is appropriate at this site, and that actions taken to date are protective of public health, welfare and the environment. **DATES:** Comments concerning this site may be submitted on or before September 13, 1993.

ADDRESSES: Comments may be mailed to: Steve Sanders, Waste Management Division/Superfund Branch, U.S. Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101.

Additional Information.

Comprehensive information on this site is available for public review at the EPA Region VII Waste Management Division Records Center located at the above address and at the Glenwood, Iowa, City Hall, City of Glenwood, 107 S. Locust Street, Glenwood, Iowa 51534.

To obtain copies of documents in the public docket contact: Barry Thierer, U.S. Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, (913) 551-7515.

FOR FURTHER INFORMATION CONTACT: Steve Sanders, Waste Management Division/Superfund Branch, U.S.

Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, (913) 551-7578.

SUPPLEMENTARY INFORMATION:

- I. Introduction
- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Intended Site Deletion

I. Introduction

The Environmental Protection Agency (EPA), Region VII, announces its intent to delete the Aidex Corporation Site, Mills County, Iowa, from the National Priorities List (NPL), appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, as amended, and requests comments on this proposed deletion. Pursuant to the requirements of the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA) and the NCP, the EPA collects data and evaluates releases of hazardous substances, pollutants or contaminants to identify sites that present a threat to public health, welfare or the environment. The NPL is a list of priority releases for long-term remedial evaluation and response. Sites included on the NPL may be the subject of remedial actions financed by the Hazardous Substances Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

The EPA will accept comments on the proposed deletion of the Aidex site from the NPL for thirty days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deletingsites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Aidex Corporation Site and explains how the site meets the deletion criteria.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP sets forth the criteria that EPA uses to delete sites from the NPL. Sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA will consider, in consultation with the State, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed response under CERCLA has been implemented and no further response

action by responsible parties is appropriate; or

(iii) The remedial investigation has determined that the release poses no significant threat to public health or the environment; and, therefore, taking of remedial measures is not appropriate.

For all remedial actions which result in hazardous substances, pollutants, or contaminants remaining at the site above levels that allow unlimited use and unrestricted access, section 121(c) of CERCLA requires EPA to review the remedial action at least every five years to ensure that the remedy remains protective of human health and the environment. Since the contaminant atrazine still remains in the groundwater, EPA recently completed the five-year review process in June 1993. On May 27, 1992, an inspection of the site was done by EPA and the IDNR. The inspection was done concurrently with the annual groundwater monitoring activities conducted by IDNR. The goal of the inspection was to assure continued protectiveness of the remedy. The results of the inspection and the five-year review indicate that the remedy is still protective of human health and the environment.

III. Deletion Procedures

The EPA Region VII will accept and evaluate public comments on its proposal to delete the site from the NPL before making a final decision. The Agency believes that deletion procedures should focus on notice and comment at the local level. Comments from the local community are often the most pertinent to deletion decisions. The following procedures were used for the intended deletion of this site:

1. EPA Region VII has recommended deletion and has prepared the relevant documents.

2. The State of Iowa has concurred with the proposed deletion decision.

3. Concurrent with this National Notice of Intent to Delete, a local notice has been published in a major local newspaper of general circulation at or near the site and has been distributed to appropriate Federal, state and local officials and other interested parties. This local notice announces a thirty (30) day public comment period on the deletion package, which starts August 4, 1993 and will conclude on September 3, 1993.

4. The Region has made all information supporting the proposed deletion available for public inspection and copying in the EPA Regional Office and a local site information repository (Glenwood, Iowa, City Hall).

5. EPA will respond to each significant comment and any significant new data submitted during the comment period and will include this response document (Responsiveness Summary) in the final deletion package.

6. A deletion occurs after the EPA Regional Administrator places a final notice of deletion in the **Federal Register**. The final deletion package will be placed in the local information repository once the notice of final deletion has been published in the **Federal Register**. The NPL will reflect any deletions in the next final update.

IV. Basis for Intended Site Deletion

The following summary provides the Agency's rationale for recommending deletion of the Aidex Corporation site, Mills County, Iowa, from the NPL.

The Aidex Corporation site, which covers approximately 20 acres, is located in a rural area of Mills County, Iowa, about 7 miles south-southeast of Council Bluffs, Iowa, and lies near the Missouri River floodplain. Land use adjacent to the site is mostly agricultural with a few individual residences.

The plant formulated various organochlorine, organophosphate, and triazine pesticide compounds from 1974 to 1981. Spills of technical grade pesticides during transfer of the material from tank cars to formulation equipment and the procedures used by Aidex for handling, storage and disposal of process wastes resulted in the release of at least sixteen pesticide compounds into the environment. Liquid process wastes were stored in a leaking underground storage tank. Dry solid pesticide wastes were stored onsite in stacks of open and/or badly deteriorated drums and were buried in two unlined trenches onsite. Technical grade pesticides stored in the liquid formulation building at the site and pesticide wastes were spread by the water used to extinguish a fire in the liquid formulation building in 1976. Following owner bankruptcy in 1981, pesticide wastes were also dumped or spilled on the facility grounds during salvage operations.

The site was placed on the Interim National Priorities List on October 23, 1981. During December of 1981, the site was fenced off using removal authority. The site was then placed on the proposed National Priorities List (NPL) on December 30, 1982 (47 FR 58481). On September 8, 1983, the NPL designation became final (48 FR 40670). The principal threats posed by the site were direct contact (ingestion, inhalation and dermal) with pesticide contaminated soil and wastes located at the site by humans and wildlife. The

pesticide contaminated solids, liquids, and sludges were also a source for continued groundwater contamination.

A Remedial Investigation/Feasibility Study (RI/FS) was performed by EPA between 1982 and 1984. During the RI/FS an initial remedial measure (IRM) was conducted to remove some immediate hazards associated with the pesticide contamination. The IRM consisted of on-site collection, bulking, and temporary staging of pesticide contaminated solids, liquids, and sludges; construction of an interceptor drainage ditch around a portion of the site; decontamination of the basement remains of a formulation building destroyed by fire and an underground tank; and off-site transport and disposal of bulk liquid wastes and staged waste materials. The IRM was completed in 1983.

In a Record of Decision signed September 30, 1984, the EPA approved the selection of a remedial alternative for final cleanup of the Aidex site. The remedial action was initiated in 1986 and consisted of excavation and offsite disposal of contaminated soils exceeding 10 parts per million (ppm) total pesticides and backfilling with clean fill, cleanup of the four onsite buildings and a batching pit, construction of three groundwater monitoring wells, and groundwater monitoring. The remedial action was completed in May 1987. Over 20,000 cubic yards of contaminated soil were excavated and disposed at a RCRA permitted offsite landfill. The buildings and a batching pit were cleaned and three additional groundwater monitoring wells were installed. The excavated areas were backfilled with clean fill, graded, and seeded.

Based on sampling of the onsite building interiors in 1987 and 1988, an engineering evaluation/cost analysis (EE/CA) was proposed in November 1990 to assess alternatives for additional cleanup of the building interiors. Air sampling of the building interiors was performed in August 1991 in order to determine if residual contamination in the buildings posed significant risks to human health and the environment. The results of the air sampling demonstrated that there were no significant risks posed by the residual contamination in the buildings. Therefore, no further response actions were needed on the buildings at the Aidex site.

In May 1990, the IDNR prepared a report on the assessment of the groundwater at the Aidex site. The report suggested modifications to the groundwater monitoring plan. EPA reviewed and approved the report and the modified groundwater monitoring

plan proposed by the IDNR was approved. Twelve (12) groundwater monitoring wells are being sampled on an annual basis with two additional wells being sampled every three years. IDNR is conducting the annual sampling.

In September 1991, an Explanation of Significant Differences (ESD) was prepared by EPA explaining the decision to take no further action with respect to the groundwater contamination at the Aidex site. The ESD explained that the levels of contamination in the groundwater do not currently pose any significant risks. Only one contaminant (atrazine) is being detected in the groundwater and only in onsite wells. No contamination is being detected offsite, in any downgradient monitoring wells. Since the concentration of atrazine detected in the groundwater is above the current Maximum Contaminant Level (MCL) of 3 parts per billion, monitoring of the groundwater will continue until the atrazine concentrations fall below the MCL.

Operation and maintenance (O&M) of the remedy for the Aidex site will be performed by the IDNR. The O&M activities will include continued monitoring of the groundwater until the MCL for atrazine is no longer exceeded. EPA and IDNR will review the groundwater monitoring as part of each five-year review. IDNR will maintain the good condition of the groundwater monitoring wells at the site.

Community relations activities have included the periodic issuance of fact sheets and public meetings at various phases of the project in order to keep the public informed of ongoing activities. A public availability session was held in July 1991 to discuss the ESD regarding the no action alternative selected for the groundwater.

The EPA, with concurrence of the State of Iowa, has determined that the Aidex Corporation site poses no significant threat to public health and the environment and, therefore, taking of further remedial measures is not appropriate.

Dated: July 27, 1993.

Martha R. Steincamp,

Acting, Regional Administrator, USEPA Region VII.

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DEPARTMENT OF THE INTERIOR

43 CFR Part 12

RIN: 1090-AA41

Administrative and Audit Requirements and Cost Principles for Assistance Programs

AGENCY: Department of the Interior, Office of the Secretary.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule is in response to section 319 of Pub. L. 102-381. This provision requires that no funds appropriated or transferred pursuant to the Act can be expended by an entity unless the entity agrees that in expending the assistance they will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act"). This provision does not apply to the Bureau of Reclamation.

DATES: Comments must be in writing and must be received by September 13, 1993.

ADDRESSES: Comments should be mailed to Acquisition and Assistance Division, Office of Acquisition and Property Management, Department of the Interior, 1849 C St., NW., Mail Stop 5512, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Dean A. Titcomb (Chief, Acquisition and Assistance Division), (202) 208-6431.

SUPPLEMENTARY INFORMATION: On October 5, 1992, the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1993 ("the Act") was signed into law. Section 319 of the Act was entitled "Buy American Requirements." The section applied to funds appropriated or transferred pursuant to the Act for the purchase of any equipment or product that may be authorized to be purchased with financial assistance. The provision expressed the "sense of the Congress" that entities receiving the assistance, purchase only American-made equipment and products.

Section 319(b)(2) required that in providing the financial assistance under the Act, the Secretary shall provide to each recipient of the assistance a notice describing the requirement. No other specific guidance was given regarding the implementation of this requirement.

The Department is revising 43 CFR part 12, by adding subpart E to implement these requirements. No specific guidance was provided by Congress, so the Department has decided to base its implementation upon similar rules in the Federal Acquisition Regulation (FAR).

Public Participation

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding the proposed rule to the location identified in this preamble.

Executive Order 12291, Paperwork Reduction Act, and Regulatory Flexibility Act

The Department has determined that this is not a major rule under Executive Order 12291 and will not have a significant economic impact on a substantial number of small entities since it is anticipated that no additional costs will be imposed on a substantial number of small entities as a result of the rule. This proposed rule does not contain a collection of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Environmental Effects

The Department has determined that this proposed rule does not constitute a major Federal action having a significant impact on the human environment under the National Environmental Policy Act of 1969.

Executive Order No. 12778

The Department has certified to the Office of Management and Budget that this proposed rule meets the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order No. 12778.

List of Subjects in 43 CFR Part 12

Cooperative agreements, Grants administration, Grant program.

It is proposed that title 43 of the Code of Federal Regulations be amended as set forth below.

Dated: June 8, 1993.

B.R. Cohen,

Assistant Secretary-Policy, Management and Budget.

PART 12—ADMINISTRATIVE AND AUDIT REQUIREMENTS AND COST PRINCIPLES FOR ASSISTANCE PROGRAMS

1. The authority citation for part 12 is revised to read as follows:

Authority: Sec. 5151-560 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, subtitle D; 41 U.S.C. 701 *et seq.*); 5 U.S.C. 301; Pub. L. 98-502; and sec. 319 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1993 (Pub. L. 102-381).

2. Part 12 is amended by adding subpart E to read as set forth below.